

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SOLEDAD CANYON SETTLEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5742) to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Soledad Canyon Settlement Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY OF SANTA CLARITA.—The term “City of Santa Clarita” means the City of Santa Clarita, California.

(2) CITY OF VICTORVILLE.—The term “City of Victorville” means the City of Victorville, California.

(3) CONTRACTS.—The term “contracts” means the Bureau of Land Management mineral contracts numbered CA-20139 and CA-22901.

(4) CONTRACT HOLDER.—The term “contract holder” means the private party to the contracts, and any successors that hold legal interests in the contracts.

(5) COUNTY OF SAN BERNARDINO.—The term “County of San Bernardino” means the County of San Bernardino, California.

(6) MAP.—The term “Map” means the map entitled “Victorville disposal area, California” and dated March 2011.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) VICTORVILLE DISPOSAL AREA.—The term “Victorville disposal area” means the 10,206.05 acres of land identified for disposal in the West Mojave Land Management Plan (2006) of the Bureau of Land Management and depicted on the Map.

SEC. 3. APPRAISAL; COMPENSATION TO CONTRACT HOLDER.

(a) APPRAISALS.—

(1) CONTRACT APPRAISAL.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall determine by mineral appraisal, using the discounted cash flow method of appraisal (in accordance with the appraisal guidelines for appraisals of large quantities of mineral materials contained in section IV(E) of BLM Mineral Material Appraisal Handbook H-3630)—

(i) the fair market value of the contracts; and

(ii) the amount of royalties the Federal Government would receive under the contracts over the 10-year period beginning on the date of enactment of this Act.

(B) CONSIDERATIONS.—In making the determination under subparagraph (A), the Secretary shall assume that—

(i) the contract holder has obtained all the permits and entitlements necessary to mine, produce, and sell sand and gravel under the contract; and

(ii) mining operations under the contract have commenced at the time of the determination, with maximum annual production volumes that—

(I) are based on the projected supply and demand outlook at the time of determination; and

(II) reflect depletion of the reserves that are subject to the contract within the effective periods of the contract.

(C) DONATION.—The Secretary shall provide to the contract holder and the City of Santa Clarita a list of approved appraisers from which the parties shall select and provide the funding to cover the costs of the appraisal under subparagraph (A).

(2) LAND APPRAISAL.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall determine by appraisal standards under existing laws and regulations, the fair market value of the Victorville disposal area on a net present value basis.

(B) DONATION.—The Secretary shall provide to the contract holder and the City of Santa Clarita a list of approved appraisers from which the parties shall select and provide the funding to cover the costs of the appraisal under subparagraph (A).

(b) COMPENSATION.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 30 days after completion of the appraisals under subsection (a), the Secretary shall offer the contract holder compensation for the cancellation of the contracts.

(2) CONDITIONS ON OFFER.—An offer made by the Secretary under paragraph (1) shall be subject to the following conditions:

(A) The cancellation of the contracts and the provision of compensation shall be contingent on the availability of funds from the sale of the Victorville disposal area under section 4, and any additional compensation provided under subparagraph (D), as determined necessary by the Secretary.

(B) The amount of compensation offered by the Secretary under this subsection shall be equal to or less than the fair market value of the contracts, as determined under subsection (a)(1)(A)(i).

(C) The amount of compensation offered by the Secretary under this subsection shall be equal to or less than the projected revenues generated by the sale of the Victorville disposal area under section 4, less the projected lost royalties to the Federal Government over the 10-year period beginning on the date of enactment of this Act, as determined under subsection (a)(1)(A)(ii).

(D) If the amount of projected revenues described in subparagraph (C) is less than the fair market value determined under subsection (a)(1)(A)(i), the Secretary shall, not later than 60 days after the date on which the Director of the Bureau of Land Management determines the projected revenues under subparagraph (C), negotiate an agreement with the contract holder and the City of Santa Clarita to provide to the Secretary amounts equal to the difference, in the form of—

(i) compensation to be received by the contract holder; and

(ii) compensation in a form acceptable to the Secretary to be provided by the City of Santa Clarita.

(3) ACCEPTANCE OF OFFER.—

(A) IN GENERAL.—The contract holder shall have 60 days from the later of the date on

which the Secretary makes the offer under paragraph (1) or an agreement is negotiated under paragraph (2)(D) to accept the offer or agreement.

(B) FAILURE TO ACCEPT OFFER.—If the contract holder does not accept the offer under paragraph (1) or if an agreement is not negotiated under paragraph (2)(D) within the time period described in subparagraph (A), the contracts shall remain in effect and no further actions shall be taken pursuant to this Act.

SEC. 4. SALE OF LAND NEAR VICTORVILLE, CALIFORNIA.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and subject to subsections (b) through (f), not later than 2 years after the date of enactment of this Act, the Secretary shall place on the market and offer for sale by competitive bidding and in a manner designed to obtain the highest price possible, all right, title, and interest of the United States in and to the Victorville disposal area.

(b) AVAILABILITY OF MAP.—The Secretary shall keep the Map on file and available for public inspection in—

(1) the office of the Director of the Bureau of Land Management; and

(2) the district office of the Bureau of Land Management located in Barstow, California.

(c) RIGHT OF LOCAL LAND USE AUTHORITY TO PURCHASE CERTAIN LAND.—

(1) IN GENERAL.—Before a sale of land under subsection (a), the Secretary shall provide to the applicable local land use authority an exclusive preemptive right, as determined under State law, to purchase any right, title, or interest of the United States in and to any portion of the parcels of land identified as “Area A” and “Area B” on the Map that is located within the jurisdiction of the local land use authority.

(2) TIMING.—A preemptive right under paragraph (1) shall be in effect for a period of 30 days before the land is sold under subsection (a).

(3) AUTHORITY.—During the period described in paragraph (2), the local land use authority may purchase some or all of the right, title, and interest of the United States, as provided in subsection (a), in and to the land to be offered for sale at fair market value, as determined by an appraisal conducted by the Secretary.

(4) EXERCISING RIGHT.—If the local land use authority exercises the preemptive right under paragraph (1), the Secretary shall convey the land to the local land use authority immediately on payment by the local land use authority of the entire purchase price of the applicable parcel of land.

(5) FAILURE TO PAY.—Failure by the local land use authority to purchase and pay for the right, title, and interest of the United States in and to the land described in paragraph (1) within the time period described in paragraph (2) and to comply with any other terms and conditions as the Secretary may require shall terminate the preemptive right of the local land use authority with respect to the right, title, and interest offered for sale.

(d) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights, the land described in subsection (a) is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) RESERVATION.—In any sale or other disposal of land under this section, there shall be reserved by the United States the right of